



Entered on Docket  
November 01, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle", is positioned above the judge's name.

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
USA SECURITIES, LLC,  
Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☒ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF  
USACM TRUST TO MICHAEL  
BAGINSKI'S CLAIM FILED IN WRONG  
DEBTOR'S CASE; AND SUSTAINING  
OBJECTION OF DTFD TO PROPOSED  
ALLOWANCE OF CLAIM**

Hearing Date: October 15, 2007  
Hearing Time: 9:30 a.m.

The Court having considered the “Objection of USACM Trust to Michael Baginski’s Claim Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed Allowance of Claim” [Docket No. 4793] (the “Objection”); with appearances as set forth in the record at the hearing noted above; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

**IT IS HEREBY ORDERED** that:

1. The Objection is sustained;
2. Proof of Claim No. 10725-01150 is disallowed in its entirety as against USA Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC (“DTDF”); and
3. Michael Baginski’s equity interest in DTDF is allowed in the amount of \$288,283.94, as reflected in DTDF’s books and records as of April 13, 2006.

PREPARED AND RESPECTFULLY SUBMITTED BY:

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**RULE 9021 DECLARATION**

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
- ☐ approved the form of this order; and/or
  - ☐ waived the right to review the order; and/or
  - ☐ failed to file and serve papers in accordance with LR 9021(c); and
- the following have disapproved the form of the order:
- n/a
- ☒ No opposition was filed to the objection and no other party or counsel appeared at the hearing.

**LEWIS AND ROCA, LLP**

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